

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 11, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claims Rejections – 35 USC § 103

In the Office Action, Claims 1-2, 4-8, 10-14, and 16-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,222,075 to Petrushin (hereinafter Petrushin) in view of U.S. Patent 6,904,264 to Frantz (hereinafter Frantz).

Applicants respectfully disagree with the rejections and thus have not amended the claims. Applicants have cancelled Claims 7-18 and 20-21. However, Applicants are not conceding that the cancelled claims fail to present patentable subject. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method of providing biometric information over a telephone call established between a speaker and a subscriber.

The method can include subscribing a voice analysis service by the subscriber and receiving a voice stream from the speaker. The voice stream includes a plurality of voice signals of the speaker. See, e.g., Specification, paragraph [0022].

The method also can include invoking the voice analysis service by the subscriber, providing the voice signals to the voice analysis service, and determining biometric information from the voice signals of the speaker by the voice analysis service. See, e.g., Specification, paragraphs [0023] & [0024].

The method further can include identifying inaudible portions in the voice stream using a psychoacoustic model, modifying the voice stream by encoding the biometric information and replacing the identified inaudible portions of the voice stream with the encoded information, and transmitting the modified voice stream to the subscriber over the established telephone call. See, e.g., Specification, paragraph [0025].

The Claims Define Over The Prior Art

Petrushin discloses in col. 3, lines 37-38 that the system comprises logic for outputting an indication of the at least one emotional state. Petrushin discloses in col. 3, lines 51-52 that the system comprises an output device coupled to the computer for notifying a user of the emotional state detected in the voice signal. Petrushin discloses in col. 4, lines 57-61 that other embodiments may be used for detecting the emotional state of a caller in telephone call center conversations, and for providing feedback to an operator or a supervisor for monitoring purposes.

However, none of the above cited passages discloses modifying the voice stream of the speaker by encoding the determined biometric information and replacing the identified inaudible portions of the voice stream with the encoded information, and transmitting the modified voice stream to the subscriber over the established telephone call, as recited in Claim 1 of the instant application. Neither the logic for outputting nor

the output device coupled to the computer provides any indication that the determined biometric information is encoded in the voice stream of the speaker and transmitted to the subscriber over the established telephone call. In other words, in Petrushin the detected emotional state can be output totally separate from the voice stream of the speaker.

Col. 1, lines 27-44 of Frantz reads as follows:

In-Band On-Channel (IBOC) digital radio transmission involves generating a digitally modulated signal that will exist on the same frequency as an existing analog station. Several digital modulation schemes are available. For example, audio sub-band digital coding techniques can be used to compress the digital content of the signal to fit within the frequency mask of each station frequency. Audio coding algorithms or schemes can also be based on acoustic measurements as a method for identifying those portions of the audio transmission that are inaudible to the human ear and need not be transmitted. As a result, the coding algorithms can sample the signal and delete the inaudible portion, thereby permitting significant audio compression and conservation of bandwidth without degrading audio quality. Because of the data compression of the coding algorithms, the compressed signal can occupy the available bandwidth of the AM and FM spectrums. In this manner, the available bandwidth can be used as a data channel.

Clearly, the above paragraph describes transmitting digital radio signals in the existing AM and FM spectrums by compressing the digital signal so that the compressed signal can occupy the available bandwidth of the AM and FM spectrums. It is not clear how this paragraph has anything to do with modifying the voice stream of the speaker by encoding the determined biometric information and replacing the identified inaudible portions of the voice stream with the encoded biometric information, and transmitting the modified voice stream to the subscriber over the established telephone call, as recited in Claim 1 of the instant application. It is noted that Frantz does not teach embedding information in place of the inaudible portions, but rather deleting the inaudible portions to compress the signal so that the compressed signal can fit within the AM and FM spectrums.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Date: July 23, 2008

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